

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF NEW YORK**

UNITED STATES OF AMERICA

**Criminal No.
04-CR-64 (NAM)**

v.

**RAFIL DHAFIR,
HELP THE NEEDY, and
HELP THE NEEDY ENDOWMENT, INC.,
et al.,**

Defendants.

ORDER

This matter having come before the Court pursuant to an application by Assistant U.S. Attorney Stephen C. Green, an attorney for the Government, which application requests an Order directing the transfer of funds that were previously restrained, the Court finds:

- (1) During the investigation and prosecution of Rafil Dhafir, Help the Needy and Help the Needy Endowment, Inc. (collectively HTN), the United States obtained a Restraining Order authorizing, among other things, the freezing

of several bank accounts containing money donated to HTN.

- (2) In addition to the funds in bank accounts restrained at the time of indictment, search warrants were issued by judges in this District authorizing the seizure of HTN funds (currency) found in several safe deposit boxes in the Syracuse area. Additional HTN funds (currency) were found in a consent search in a safe deposit box in Toledo Ohio;
- (3) Of the money found in the safe deposit boxes, \$40,000 belongs to Priscilla Dhafir and is available to satisfy her obligation to pay restitution in the case 03-CR-270; the remaining funds have been demonstrated to be the funds of Help the Needy and Help the Needy Endowment Inc;
- (4) On June 20, 2005, New York State Supreme Court Justice Anthony J. Paris signed an Order and Judgment (a) dissolving HTN, (b) authorizing the Attorney General of the State of New York (the "NY Attorney General") to receive assets of HTN and (c) directing the NY Attorney General to fulfill his statutory obligation and oversee the ultimate transfer of HTN assets to a bona fide charitable organization(s) for distribution in a manner consistent with the intent of the individuals who donated money to HTN;
- (4) HTN is now dissolved and the NY Attorney General stands in its place, primarily for the purpose of shepherding HTN's assets to a bona fide charitable organization in a manner consistent with the intention of HTN's donors, that is, by distributing the funds of HTN to needy people in Iraq;

- (5) It is now appropriate to transfer the funds of HTN to the control of the New York Attorney General for ultimate distribution to the needy people in Iraq.
- (6) Because one component of the loss calculation of \$504,988 (and the resulting obligation to pay restitution) relating to Rafil Dhafir's mail and wire fraud conviction is the currency located in the safe deposit boxes, the transfer of funds from the safe deposit boxes to the New York Attorney General's Office, which is ordered below, will be a credit on any order of restitution that the Court may impose in connection with Rafil Dhafir's sentence on Counts 51 - 60.

THEREFORE, IT IS ORDERED:

- (a) all funds on deposit in Oneida Savings Bank, account no. 5100425075, under the name of Help the Needy Endowment Inc., which money was restrained by Order of this Court on February 25, 2003; and
- (b) all funds on deposit in the Key Bank, account no. 320310014206, under the name Help the Needy, , which money was restrained by Order of this Court on February 25, 2003;

shall be transferred to the control of the New York Attorney General's Office in an instrument payable to "New York State Department of Law, Restitution Account." The instrument shall be delivered to the United States Attorney's Office for transmission to the New York Attorney General's Office.

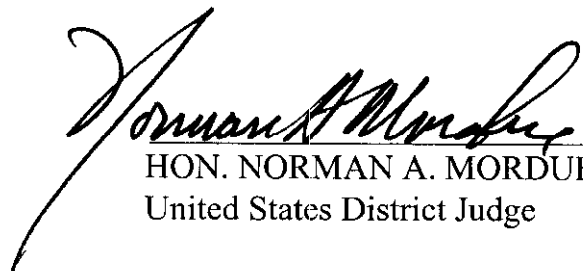
IT IS FURTHER ORDERED that

(1) The United States shall, as soon as practicable, transfer \$40,000 from the currency found in the safe deposit boxes to Lawrence K. Baerman, Clerk, U.S. District Court, Federal Bldg., P.O. Box 7367, 100 S. Clinton Street, Syracuse, N.Y. 13261-7367, in partial satisfaction of Priscilla Dhafir's obligation to pay \$62,885.42 in restitution to Centers for Medicare and Medicaid Services;

(2) The United States shall serve a copy of this Order on counsel for Priscilla Dhafir; and unless Priscilla Dhafir files a claim for the remaining currency found in the safe deposit boxes within 20 days of service, the United States shall transmit the remaining funds found in the safe deposit boxes to the State of New York Law Department, Restitution Account, for ultimate distribution to needy people in Iraq;

Dated: June 22, 2005

Syracuse, NY



HON. NORMAN A. MORDUE
United States District Judge